

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

DAVID LOUGEE,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, ET  
AL.,

Defendants.

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Civil Action No. 5:20-CV-00067-RWS-JBB

**ORDER**

Before the Court is the Report and Recommendation of the United States Magistrate Judge (Docket No. 4), which contains the Magistrate Judge's findings, conclusions and recommendations for the disposition of this case. The Court hereby adopts the Report and Recommendation of the Magistrate Judge as the findings and conclusions of this Court.

This case was severed out of a larger lawsuit. Docket No. 1. The complaint in the larger lawsuit was filed *pro se* by multiple plaintiffs who alleged violations of their constitutional rights and sought class certification. Docket No. 2.

In this severed case, Plaintiff David Lougee was ordered to file an amended complaint and to pay the filing fee or seek leave to proceed *in forma pauperis*. Docket No. 1. Plaintiff received a copy of the Magistrate Judge's Order (Docket No. 3) but did not respond to the Order. Docket No. 4. The Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 4. Plaintiff received a copy of this Report (Docket No. 5) but filed no objections to the Report. Because Plaintiff filed no objections to the Report, he is barred from *de novo* review by the District Judge of those

findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *see also Arriaga v. Laxminarayan*, No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021) (noting Plaintiff was not entitled to *de novo* review of the Magistrate Judge’s findings where Plaintiff did not, among other things, file any objections thereto).

The Court has reviewed the pleadings and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”) Accordingly, it is

**ORDERED** that the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-captioned case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

**ORDERED** that any pending motions in the above-captioned case are hereby **DENIED-AS-MOOT**.

**So ORDERED and SIGNED this 14th day of February, 2023.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE